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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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I. General

1. New Caledonia[1] is located in the Pacific Ocean, about 1,500 kilometres east of Australia and 1,700 kilometres north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélap Archipelago, the Isle of Pines and Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres, and that of the Territory is 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre. The Territory is divided into three provinces, South and North (on Grande Terre) and the Loyalty Islands.

2. According to the 1996 census, the population was 196,836, comprising indigenous Melanesians known as Kanaks (42.5 per cent); persons of European origin, mainly French (37.1 per cent); Wallisians (8.4 per cent); Polynesians (3.8 per cent); and others, mainly Indonesians and Vietnamese (8.2 per cent). The census also showed almost half the population to be under 25 years old. In January 1999, the estimated population was 206,001. The majority of the population (68 per cent) lives in the South Province, mainly around the greater Nouméa area, while 21 per cent live in the North Province and only 10.6 per cent in the Loyalty Islands. In 1996, the native Kanak population made up 77.9 per cent of the population of the North Province and 97.1 per cent of the population of the Islands, whereas it only made up 25.5 per cent of the population of the South Province. With respect to the Territory's second largest population, persons of European origin, 89 per cent of them live in the South Province. About 60 per cent of the population is Catholic, 30 per cent Protestant and 10 per cent profess other religions. The official language is French, and about 28 Melanesian-Polynesian dialects are spoken.

3. The Nouméa Accord (A/AC.109/2114, annex), signed in May 1998 between the Government of France, the pro-independence Front de libération nationale kanak socialiste (FLNKS) and the integrationist Rassemblement pour la Calédonie dans la République (RPCR), has fundamentally altered the political and administrative arrangements in New Caledonia. Under the terms of this Accord, the New Caledonian parties opted for a negotiated solution and progressive autonomy from France rather than an immediate referendum on political status. The transfer of powers from France began in 2000 and is to end in 15 to 20 years, when the Territory will opt for either full independence or a form of associated statehood. The political and legislative process which is under way and the new institutional arrangements in place in New Caledonia are described in section II below. The characteristics of New Caledonia's economy and employment as well as current efforts to implement a policy of redressing economic and social imbalances between the more prosperous South Province and the less developed North Province and Loyalty Islands are described in section III below.

II. Political situation

A. Background

4. The final article of the Preamble to the Nouméa Accord signed in May 1998 between RPCR, FLNKS and the Government of France states as follows:

> "The signatories to the Matignon Accord have therefore decided to work together towards a negotiated consensual solution, which they shall together submit to the inhabitants of New Caledonia for a decision.
>
> "This solution will define the political organization of New Caledonia and the arrangements for its emancipation over the next 20 years.
>
> "Its implementation will require a constitutional law, which the Government undertakes to draft with a view to its adoption by Parliament.
>
> "The full recognition of the Kanak identity involves clarifying customary law status and its relationship to the civil law status of persons under ordinary law, defining the place of customary structures in institutions, *inter alia*, by establishing a customary Senate, protecting and enhancing the Kanak cultural heritage, introducing new legal and financial mechanisms to meet the demands that have been expressed on the grounds of ties to the land, while promoting land development, and adopting identity symbols expressing the essential place of the Kanak

identity within the future community agreed upon.

"The institutions of New Caledonia shall carry out the new stage of the transition to sovereignty; some of the decisions of the Territorial Congress shall have the force of law, and an elected territorial executive shall prepare and implement them.

"During this period, indications shall be given of the progressive recognition of a citizenship of New Caledonia, which must reflect the common destiny chosen and which may become, at the end of the period, a nationality, should it be so decided.

"The electorate for elections to local assemblies in New Caledonia shall be restricted to persons who have been resident in the Territory for a certain period of time.

"In order to take into account the limited size of the labour market, provisions shall be made to promote access to local employment for persons who have been long-established residents of New Caledonia.

"The sharing of powers between the State and New Caledonia shall signify shared sovereignty. This shall be a gradual process. Some powers shall be transferred as soon as the new organization takes effect. Other powers shall be transferred according to a definite schedule, which the Congress may modify, in accordance with the principle of self-organization. The powers that have been transferred may not revert to the State, in accordance with the principle of the irreversibility of the new organization.

"Throughout the period of implementation of the new organization, New Caledonia shall receive State aid in the form of technical assistance and training and the funding necessary for the exercise of the powers transferred and for economic and social development.

"Commitments shall be applied to multi-year programmes. New Caledonia shall have a share in the capital or the functioning of the primary development tools in which the State is a participant.

"At the end of the 20-year period, the transfer of sovereign powers to New Caledonia, its access to the international status of full responsibility and the organization of citizenship by nationality shall be put to a vote of the populations concerned.

"Their approval would be equivalent to full sovereignty for New Caledonia".

5. On 6 July 1998, the French Parliament passed a constitutional reform by 827 votes to 31 that inserted two articles, 76 and 77, into the French Constitution. Article 76 provided that the people of New Caledonia would be called upon before 31 December 1998 to express their views on the provisions of the Nouméa Accord. Article 77 provided that, following approval of the Accord, a Constitution would be submitted to a vote in Parliament in order to enable New Caledonia to move forward on the basis of the Accord.

6. Prior to the referendum, the two major parties of New Caledonia, FLNKS and RPCR, both campaigned for approval of the Accord among their respective constituents. The Accord was ratified by New Caledonians in a referendum held on 8 November 1998. With 74 per cent of the electorate voting, 72 per cent voted in favour of the Accord.

7. Following the referendum, the Secretary of State for the Overseas Territories of the Government of France issued a communiqué pointing out that the Nouméa Accord provided for the renewal of relations between France and New Caledonia and would be translated into a draft organic law. This organic law and an ordinary law were presented in the French Parliament. The organic law codified the matters addressed in article 77 of the constitutional reform, namely, the powers that would be transferred to the newly created institutions in New Caledonia, the organization of those institutions, rules concerning New Caledonian citizenship and the electoral regime and conditions and deadlines by which New Caledonians would determine their accession to full sovereignty. The ordinary law dealt with other, mainly economic and social, matters covered in the Nouméa Accord. The French legislature ratified both laws on 19 March 1999.

B. The new governmental structure

8. The governmental structure created as a result of the entry into force of the above-mentioned organic law is set out below.

9. The Congress is the deliberative assembly of New Caledonia. It comprises 54 members, consisting of 7 from the Provincial Assembly of the Loyalty Islands, 15 from the Provincial Assembly of the North Province and 32 from the Provincial Assembly of the South Province. Members are elected for five years.

10. The Government is the executive of New Caledonia. It is elected by the Congress and is responsible to it. It is composed of between 5 and 11 members, the exact number to be fixed by Congress prior to the election of the Government. The Government prepares and executes the decisions of Congress. The Government names public and administrative officers, oversees the execution of public works, manages local resources, gives its opinion regarding projects that involve the mines in the Territory and prepares the codification of the Territory's laws.

11. The provincial assemblies are responsible for all matters relating to the province that are not directly attributed to the President of the Provincial Assembly. The President of the Provincial Assembly acts as the executive of the province and, as such, is responsible for the administration of the province and the management of public employment at the provincial level. Members of the Assembly are elected for five years.

12. The Economic and Social Council advises the Government on projects and possible laws that have an economic or social character. It comprises 28 representatives of professional, labour and cultural organizations, 2 members designated by the Customary Senate and 9 personalities that are representative of the economic, social and cultural life of New Caledonia designated by the Government on the advice of the provincial assemblies.

13. The customary councils are a parallel set of institutions in eight areas and are designed to accommodate the full political recognition of the Kanak identity. In addition, there is a Territory-wide Customary Senate, comprising 16 members, two selected by each customary council. The Customary Senate is represented in the Economic and Social Council, the Administrative Council, the Consultative Council on Mines and local development agencies. The Customary Senate and the councils are to be consulted by the executive and legislative organs of New Caledonia on matters that have to do directly with the Kanak identity.

C. Recent developments

14. Following the ratification of the Nouméa Accord by the people of New Caledonia and the codification of its provisions into French law as described in paragraphs 9 to 11 above, New Caledonia is no longer considered an overseas territory under article 74 of the Constitution. Instead, the Government of France describes it as a community sui generis which has institutions designed for it alone and to which certain powers of State will gradually be transferred and will be non-revocable. Accordingly, the establishment of new institutions has proceeded according to an agreed timetable.

15. On 9 May 1999, elections were held for the provincial assemblies and Congress. Both the campaign and the polling were conducted without incident, and 74.86 per cent of the electorate voted. A total of 8,738 people were not allowed to vote because they had not lived in New Caledonia for the requisite 10 years prior to the election. In the voting for the provincial assemblies, for a total of 74 seats RPCR obtained a majority in the South Province while FLNKS obtained a majority in the other two provinces. Of those voted into the provincial assemblies, 54 then became members of New Caledonia's Congress. Thus, RPCR obtained a relative majority of 24 seats in Congress, followed by FLNKS, which obtained 18 seats.[2] The Congress is presided over by RPCR Senator Mr. Simon Loueckhote.

16. Congress elected the Government of New Caledonia on 28 May 1999. Presided over by Mr. Jean Lèques (RPCR), Mayor of Nouméa, the Government has 11 members, six from RPCR, four from FLNKS and one from the Fédération des comités de coopération indépendantistes (FCCI), a dissident offshoot of FLNKS currently allied with RPCR. Speaking before the Congress of New Caledonia on 16 June 1999, the Secretary of State for the Overseas Territories delivered the following message from the French Prime Minister, Mr. Lionel Jospin:

"These institutions will have to carry out their responsibility fully in order to lead New Caledonia, as provided for in the Nouméa Accord, down the path of emancipation, development and sharing. The Government intends to fully respect the powers granted to New Caledonia. It is up to the Territory's executive branch and assemblies to take the decisions which it is free to take pursuant to the organic law. I extend to government officials and to the newly elected members of the Congress and the provincial assemblies my congratulations and best wishes. France is a partner to the Nouméa Accord and, with the other two signatories, is responsible for ensuring that it is respected in all its provisions throughout the process which has begun. I therefore propose to convene a meeting of the committee of signatories to the Accord, in Paris, before the end of the year and the first transfer of powers, in order to assess the implementation of the Accord and review the prospects for its application in 2000.

"Ladies and Gentlemen, you have been elected on different platforms and you do not share the same vision for the future of New Caledonia. The voters of New Caledonia, who voted for various candidates whom they wished to entrust with responsibility for the implementation of the Nouméa Accord, had overwhelmingly approved that Accord. Even for those who rejected it, it has now become law. The Nouméa Accord is a vote of confidence in the ability of the people of New Caledonia to build with France a more fraternal common future. That future will be different from the present. It must be able to better meet the needs expressed by the inhabitants of this country, in particular its many young people."

17. The Customary Senate, considered the guarantor of Kanak identity, was formally constituted on 27 August 1999 in the presence of a visiting delegation of representatives of Pacific States to the United Nations and another representing the South Pacific Forum's Ministerial Committee. The 16 new senators were sworn in by President Lèques and they elected as their first president High Chief André Théan-Hiouen, traditional leader of the Tarana area and representing the Hoot Ma Waap constituency, north of Nouméa.[3]

18. After a delay of several months, New Caledonia's Economic and Social Council was formally established on 2 February 2000. Headed by Mr. Bernard Paul (RPCR), the Council is composed of 39 members, of whom 28 represent professional organizations, labour unions and associations which reflect the economic, social and cultural life of New Caledonia.

19. As foreseen by the Nouméa Accord, the new institutions have begun to enact "laws of the country" (lois de pays), which have the full force of the law and can only be contested before the Constitutional Council. The first "law of the country", which was unanimously approved by Congress on 19 October 1999, renewed for two years the national health coverage for medical practitioners, dentists and nurses.[4] In November 1999, another "law of the country" was passed, this time to reinstate a general tax on services. The President of the Provincial Assembly of the Loyalty Islands (FLNKS) challenged the constitutionality of such a measure. On 27 January 2000, France's Constitutional Court declared the measure constitutional.

20. In the months following the elections of May 1999, press reports noted considerable friction between RPCR and FLNKS due to their differing interpretations of "collegiality" in government matters. The debate grew out of the absence of any precise definition of collegiality in organic law No. 99-209 of 19 March 1999, article 128 of which states simply that the Government is responsible collegially and jointly for matters within its competence. The debate was triggered by two things. On 28 May 1999, members of congress choose Mr. Léopold Jorédié, a member of the Fédération des comités de coordination indépendantistes (FCCI), for Vice-President, rather than Roch Wamytan, President of FLNKS and a signatory to the Nouméa Accord; this was judged contrary to the spirit of the Accord by part of the pro-independence camp. Following this controversial appointment, the FLNKS members of the Government chose to appeal to the administrative courts and lodged several appeals against congressional resolutions and Government decrees, particularly the decrees appointing the Secretary-General of the Government and his deputy.

21. The controversies over the concept of collegiality revealed the existence of diverging interpretations between the two main political parties in New Caledonia. Whereas FLNKS considered that

collegiality had to apply to the decision-taking system, RPCR President Jacques Lafleur, adopting the logic of the majority, interpreted the concept restrictively, stating on 20 October 1999 that the purpose of collegiality was to inform the minorities. The debate, which led the Secretary of State for the Overseas Territories, Mr. Jean-Jack Queyranne, to reaffirm that, in the spirit of the Nouméa Accord, the Government of New Caledonia must be a collegial body, highlighted the importance of the State's role in implementing the Accord, the State being perceived as the essential guarantor of the Nouméa process.

22. During 1999, RPCR and FLNKS also disagreed on the interpretation of eligibility to vote in future elections to the Congress, provincial assemblies and, ultimately, to vote on accession to full sovereignty. Whereas the amendment to article 76 of the Constitution had interpreted the Nouméa Accord to establish that any person domiciled in New Caledonia for 10 years could take part in these elections, regardless of the date of that person's arrival in the Territory, FLNKS considered this as contrary to the spirit of the Accord. FLNKS referred the matter to the President and Prime Minister of France, whereupon the Government introduced a draft constitutional bill to the National Assembly stipulating that the right to vote should be exercised by persons already on the electoral roll on 8 November 1998 and who, at the time, had been residents of New Caledonia for at least 10 years. The bill was introduced by the Secretary of State for the Overseas Territories, Mr. Jean-Jack Queyranne, and approved unanimously by the National Assembly on 10 June 1999.[5] The Senate approved the same bill on 12 October 1999.[6] President Chirac then called for a special session of the French Congress (a joint sitting of both the National Assembly and the Senate) to be held on 24 January 2000 to fully ratify this constitutional amendment.[7] However, owing to complications in another, unrelated, legislative matter which was to have been tabled during the same session, the scheduled session was postponed. FLNKS has reiterated that this is a key point of the Nouméa Accord and has requested that a new date be set for the session.[8]

23. Meanwhile, as set out by the Nouméa Accord, the French State has proceeded to transfer numerous powers to the Government of New Caledonia. The services and jurisdictions transferred as of 1 January 2000 are the following:

Imposition and allocation of taxes to benefit funds for the territorial collectivities, public establishments or public service agencies; imposition of taxes, provincial and community taxes;

Guiding principles of labour law, occupational training and labour inspection; access to local employment;

Work by foreign nationals;

Sanitary controls at borders;

Customary civil status: customary lands and "palavers"; delimitation of customary areas; modalities for designating the Customary Senate and customary councils;

Foreign trade; import regulations;

Regulation of direct foreign investment;

External postal and telecommunications services;

Navigation and external shipping services; registration of ships;

External air services, except the air service between New Caledonia and other points of the territory of the French Republic;

Exploration, exploitation, management and conservation of the resources of New Caledonia's exclusive economic zone;

Regulations concerning fuel oils, nickel, chromium and cobalt;

Hospital establishments;

Primary education: curricula, teacher training and inspection of teachers;

Rules applicable to cooperative societies and mutual insurance;

Powers exercised in association between the State and New Caledonia: external relations; entry and stay of foreign nationals; law and order; gambling; audiovisual communication; research, higher education; and secondary education.

24. With respect to New Caledonia's relationship with its Pacific neighbours, 1999 was marked by high-level diplomatic visits to the Territory, such as those by the Governor-General of New Zealand in August and the Minister for Foreign Affairs of Australia in

October. The purpose of these visits was to explore commercial, economic and cultural partnerships.

25. From 23 to 27 August 1999, two international delegations were invited to the Territory. The first, the South Pacific Forum Ministerial Committee on New Caledonia, completed a fact-finding mission on the implementation of the Nouméa Accord and related developments. The Committee was led by Fiji's Deputy Prime Minister and Minister for Foreign Affairs and External Trade and comprised the Minister for Foreign Affairs of Solomon Islands and the Minister for Justice and the Environment of Nauru.[9] In October 1999, at the Pacific Islands Forum meeting in Palau, New Caledonia was admitted as an official observer.[10] The second delegation to visit New Caledonia in August consisted of representatives of a number of Pacific States' Missions to the United Nations in New York. This delegation was led by Ambassador Donigi, Permanent Representative of Papua New Guinea to the United Nations, and included representatives of Chile and Vanuatu.

26. In another regional development, the States within the Melanesian Spearhead Group (Fer de Lance) met in Vanuatu in June 1999 and decided to grant FLNKS full membership, while expressing the wish that the newly established Government of New Caledonia would officially request to join the group. In addition, New Caledonia is exploring the possibility of signing commercial agreements within the framework of this free-trade zone, which comprises Papua New Guinea, Vanuatu, Solomon Islands, Fiji and FLNKS.

27. According to the Government of France, the developments described above reveal both active international support for the Nouméa process and a better insertion of New Caledonia in its regional environment.

III. Economic data and developments

A. General

28. The 1996 census data set the active population of New Caledonia at 80,589 people, with an unemployment rate of 18.6 per cent for the entire Territory. Unemployment figures are, however, lower in the South, where the majority of the employment opportunities arise, and higher in the North and the Islands. According to information provided by the Government of France, in 1996, New Caledonia had a gross domestic product (GDP) valued at 335 million (Comptoirs Français du Pacifique francs (CFPF)), equivalent to US$ 3.56 million, or 1.7 million CFPF (US$ 18,085) per capita. Thus, the Territory ranked between New Zealand and Australia in terms of "created wealth" per person and at the average level by European standards. Nonetheless, in spite of its economic assets, New Caledonia also suffers from structural imbalances. Therefore, in the context of the Matignon and Nouméa Accords, much of the efforts of the Government of France and New Caledonian institutions in the past decade have been aimed at redressing the balance in terms of infrastructure, social services and employment possibilities among the three provinces. In financial terms, from 1990 to 1999, the State provided the inhabitants of the North Province and Loyalty Islands with 3.4 times more credit as it did the inhabitants of the South Province. Similarly, it has invested some US$ 48 million over the past decade in the construction of new schools and professional training colleges in the North Province and Loyalty Islands, and greatly increased spending on agricultural development, roads and bridges, medical facilities, tourism and fisheries in these two provinces.

B. Mineral resources

29. New Caledonia's economy is dominated by the nickel industry. The Territory has more than 20 per cent of the world's known nickel resources, is responsible for 6 per cent of the world's nickel output and employs some 3,500 people in firms of varying size. In 1998, nickel sales were negatively affected by the economic crisis in Asia, which provoked a 33-per-cent decline in the world price of nickel. During 1999, the increased demand for nickel from stainless steel makers and the steady improvement of nickel prices on international markets gave new confidence to the local economy. Although this is a highly dynamic sector, which makes up 90 to 95 per cent of New Caledonia's exports and which, in turn, generates numerous related economic activities, it is fragile in that it is almost entirely dependent on international demand and nickel prices. Thus, emphasis is currently being placed on the development of locally treated metallurgy (which creates more wealth) rather than on mineral exports.

30. It will be recalled that a precondition for the talks that led to the Nouméa Accord was the transfer of

nickel reserves from the French State-owned company, Eramet, to the Kanak-controlled Société minière du Sud-Pacifique (SMSP) (see A/AC.109/2114, para. 8). This transfer permitted SMSP to go ahead with plans for the construction of a smelter in the north of the island in a joint venture with the Canadian company Falconbridge. Under an agreement signed in February 1998, the Poum nickel deposit belonging to SMSP would be exchanged for the richer Koniambo deposit belonging to Eramet's New Caledonian unit, Société Le Nickel (SLN). This deposit would feed the planned new smelter. A decision on whether to build the new smelter is to be taken by 2005; otherwise, Koniambo will revert to SLN. In January 2000, SMSP/Falconbridge announced that their feasibility study for the new smelter would be completed by the end of 2002, three years ahead of schedule. Initial surveys indicate that the mineral deposits at Koniambo are of good quality and will last at least 25 years. The new smelter, to be situated 270 kilometres north of Nouméa, would produce some 54,000 tonnes of nickel ore per year and would employ 800 people.[11]

31. According to information from the Government of France, another plant, to be built in Goro, is expected to exploit the nickel deposits in the south of Grande Terre and provide for the creation of some 680 jobs. Pilot installations were inaugurated on 22 October 1999. The International Nickel Company (INCO) of Canada indicated in February 2000 that it would be deciding within this year whether to invest some US$ 897 million in developing the Goro plant. INCO has stated that initial prospects appear excellent.[12]

32. In February 2000, the Secretary of State for the Overseas Territories announced that the Government of France was proceeding with a 1999 agreement to divest some of its Eramet holdings and transferring them to a public organization to be formed by the provinces of New Caledonia. With the aim of equalizing economic resources among the three provinces, the Government proposes to distribute 40 per cent of the transferred assets to each of the North and South provinces and the remaining 20 per cent to the Loyalty Islands.[13]

33. Potentially encouraging for the future economy of New Caledonia was the discovery off its western coast in November 1999 of what is believed to be the world's largest gas deposits, measuring 80,000 square kilometres. The finding was made by the research vessel L'Atalante during the course of a study to evaluate marine and mineral resources in New Caledonia's exclusive economic zone. Initial results indicate that the reserves are much larger than first thought when the field was discovered in May 1998 by a joint French-Australian mission.[14] A further exploration is to be carried out in 2001 by the Institut français de recherche pour l'exploitation de la mer (IFREMER) in cooperation with the Institut français du pétrole and the ELF group.[15]

C. Other economic sectors

34. Other sectors that contribute to New Caledonia's GDP are (in descending order) public administration, commerce, services, construction and public works, small and medium industry, agriculture and tourism. While agriculture and fisheries account only for 2 per cent of GDP, they occupy a central place in New Caledonian society, employ some 30 per cent of the population and make it possible to contain the rural exodus. Rural development projects are aimed at increasing the local market, thereby decreasing the need for imported goods and further enhancing the possibilities of exporting produce such as prawns and tuna.

35. Tourism is regarded as another promising sector. It was only marginally affected by the Asian crisis, and the number of tourists visiting by air in 1998 (103,835) fell by only 1.2 per cent against the number that visited in 1997 (105,137). The greatest number of tourists (35,420) came from Japan. However, international tourism to New Caledonia fell by 10 per cent during 1999, owing mainly to changes in airline schedules, repeated closures at Tontouta International Airport and the high cost of air fares.[16] The Bank of Hawaii's *New Caledonia Economic Report* (June 1999) states that, with total-tourism related spending estimated at 15.8 per cent of GDP, there is room for considerable growth. There is substantial potential, especially in the rural provinces where the ecosystem is practically untouched.[17]

36. The French Government estimates that during 1999 exports from New Caledonia rose 2.4 per cent from the previous year's figures, thanks to the recovery of nickel prices and excellent prawn sales. However, imports also rose sharply, carrying the accumulated deficit in the balance of trade on 1 December 1999 to a new record of 61.3 million CFP francs, equivalent to US$ 519,491 (118 francs CFP to US$ 1 in December 1999).

D. Labour

37. Labour strikes in New Caledonia decreased by a third between 1998 and 1999.[18] Nonetheless, during the period under review, a number of strikes were led by the l'Union syndicale des ouvriers et employés de Nouvelle-Calédonie (USOENC), by USOENC-Mines and by l'Union syndicale des travailleurs kanaks et des exploités (USTKE), which have principally affected the Doniambo nickel smelter, the media, air transport and a number of businesses owned by Mr. Jacques Lafleur, President of the RPCR party. The union action took place mainly in the months leading up to 1 January 2000, the date on which jurisdiction in matters of labour law and union law was to be transferred to New Caledonian institutions. In September 1999, the Government of New Caledonia agreed to enter into negotiations with the unions and employers' organizations to reform the applicable rules on labour dispute prevention and settlement. While the sensitive issue of union representativeness has not yet been resolved, the Government's aim is to have a comprehensive text on social dialogue and employment policy signed by the symbolic date of 1 May 2000.

IV. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

38. Two representatives of New Caledonia participated in the Caribbean Regional Seminar organized by the Special Committee to review the political, economic and social conditions in the small island Non-Self-Governing Territories and held at Castries, St. Lucia, from 25 to 27 May 1999.[19]

39. The Special Committee considered the question of New Caledonia at its 8th and 13th meetings, on 29 June and 9 July 1999. At its 8th meeting, the Chairman drew attention to the working paper prepared by the Secretariat (A/AC.109/1999/6). At the 13th meeting, the Chairman drew attention to the text of draft resolution A/AC.109/1999/L.14. A statement was made by the Islamic Republic of Iran (A/AC.109/1999/SR.13), following which the representative of Fiji introduced draft resolution A/AC.109/1999/L.14, also sponsored by the delegation of Papua New Guinea. The Special Committee adopted the draft resolution without a vote (A/AC.109/1999/30).

B. Special Political and Decolonization Committee (Fourth Committee)

40. At its 5th meeting, on 6 October 1999, the Special Political and Decolonization Committee (Fourth Committee) heard a statement by Roch Wamytan, President of FLNKS.

41. Mr. Wamytan said that 1998 had marked a turning point in the political and institutional history of New Caledonia, with the signing on 5 May of the Nouméa Accord between FLNKS, RPCR and the Government of France. The French National Assembly and Senate had also voted overwhelmingly to amend the 1958 Constitution to include key elements of the Accords. Moreover, more than 72 per cent of the population of New Caledonia had voted in favour of committing the Territory to a gradual process of emancipation that would extend over 15 years. By their vote, the Kanaks together with immigrant communities had demonstrated their desire to turn the page of colonization and to build and share in a common destiny.

42. Since the referendum, new institutions had been established, including provincial assemblies, a Congress, a Government and a Senate of customary leaders. An Economic and Social Council was also to be created shortly. In the area of foreign relations, New Caledonia had just been granted observer status in the South Pacific Forum, following a long struggle spearheaded by FLNKS.

43. Unfortunately, the optimism of the people of New Caledonia had begun to fade following the elaboration of the Territory's organic law. Indeed, FLNKS had had great difficulty in ensuring that RPCR and France respected the spirit and letter of the Nouméa Accord, particularly with regard to the principle of restricting the electoral roll for the provincial elections to be held in 2004, 2009 and 2014. The French Constitutional Council had misinterpreted the Accord by extending the right to vote to anyone settling in New Caledonia after November 1998, on condition that they had been

living there for 10 years. In view of the adverse impact of the Territory's settlement policy on Kanak nationalist claims during the preceding decades, numerous approaches had been made to the Government of France, resulting in a new draft constitutional amendment on the subject that was to be submitted to the French National Congress in early 2000. In addition, motivated by partisan interests and against the declared wishes of the people, RPCR had rejected some of the key provisions of the Nouméa Accord. It had also concluded a separate agreement with a dissident faction of FLNKS for the implementation of their own version of the Nouméa Accord. FLNKS had nevertheless remained in the Government in the hope of convincing RPCR to respect both the spirit and the letter of the Noumea Accord.

44. Those political developments had had adverse consequences for the country, including a return to the "wait and see" attitude which had prevailed prior to the negotiations. Even more serious were the questions raised by the Kanak people about the slow-down in the process of decolonization and emancipation which had begun with the signing of the Accord, and the danger which political developments posed to peace and harmony between the communities. As the colonial Power, France should do everything in its power to ensure the faithful implementation of the Accords. It should also keep the United Nations informed about the situation in the Territory under its administration. In that connection, he wished to thank the French authorities for authorizing the visit to New Caledonia by a United Nations mission. The Territory should remain on the list of Non-Self-Governing-Territories and, should the Committee of 24 be disbanded at the end of the International Decade for the Eradication of Colonialism, New Caledonia should be granted special status within the United Nations so that the voice of its people could continue to be heard (see A/C.4/54/SR.5, paras. 54-58).

45. At the 7th meeting, on 8 October 1999, the representative of the Syrian Arab Republic, in his capacity as Rapporteur of the Special Committee, read out changes to the draft resolution on the question of New Caledonia (A/54/23, part III) agreed upon during consultations. At the same meeting, the Fourth Committee approved the draft resolution, as orally amended, without a vote (see A/C.4/54/SR.7, paras. 36-37).

C. General Assembly

46. At the 71st plenary meeting of the General Assembly, on 6 December 1999, the Rapporteur of the Special Committee made reference to New Caledonia. He said that, in the interests of all the people of New Caledonia, and building on the positive outcome of the review of the Matignon and Nouméa Accords, the Special Committee urged all parties involved to maintain their dialogue in a spirit of harmony and to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options would be open and which would safeguard the rights of all New Caledonians according to the letter and spirit of the Matignon and Nouméa Accords (see A/54/PV.71).

47. At the same meeting, the representative of Papua New Guinea, in introducing draft resolution A/54/L.50 on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, underscored that France, as the administering Power in New Caledonia, had cooperated informally with the Special Committee and had invited, on a bilateral basis, a ministerial mission from the Forum Island States and some representatives of Pacific States in New York to visit New Caledonia. The representative of Papua New Guinea had led the delegation from New York and would be making a report available to Member States in due course.

48. Speaking as a sponsor of draft resolution A/54/L.50, the representative of Fiji informed the Assembly that, at the South Pacific Forum meeting held in Palau, heads of Government had welcomed the signing of the Nouméa Accord, noted the report of the ministerial committee which had visited New Caledonia from 23 to 27 August 1999 and expressed the Forum's appreciation to the Government of France and the Government of New Caledonia for facilitating the visit. The South Pacific Forum had further reaffirmed its support for continuing contact with all committees in New Caledonia and its recognition of the rights of the people of New Caledonia to self-determination. In this regard, the leaders agreed to a continuing future monitoring role for the ministerial committee on New Caledonia during the implementation process of the Nouméa Accord, and encouraged the Government and all parties in New Caledonia to continue to maintain their commitment in earnest to its implementation, in keeping with the

intent and spirit of the Accord. The South Pacific Forum also called on those of its members that were willing to do so to make available training awards for the Kanak people in their own training institutions.

49. At the 71st plenary meeting, on 6 December 1999, the General Assembly adopted without a vote resolution 54/88 on the question of New Caledonia.

50. In that resolution, the General Assembly, in the interest of all the people of New Caledonia, urged all the parties involved to maintain their dialogue in a spirit of harmony, in the framework of the Nouméa Accord and to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options would be open. It welcomed measures taken to diversify the New Caledonian economy in all fields, as well as the importance attached to greater progress in housing, employment, training, education and health care. It also welcomed the accession by New Caledonia to the status of observer in the South Pacific Forum. The General Assembly decided to keep the process unfolding in New Caledonia under continuous review.

Notes

[1] The information contained in this paper has been derived from information transmitted to the Secretariat by the Government of France and from published sources.

[2] *Le Monde*, 11 May 1999.

[3] Economist Intelligence Unit Country Report, 4th quarter 1999.

[4] Agence France Presse, 19 October 1999.

[5] Secrétariat d'Etat à l'outre-mer, press communiqué, 15 June 1999.

[6] *Pacific Islands Report*, 13 and 14 October 1999.

[7] www.elysee.fr Press communiqué, 27 October 1999.

[8] *Le Monde*, 24 January 2000.

[9] South Pacific Forum Secretariat, Press Statement, 27 August 1999.

[10] Economist Intelligence Unit Country Report, 4th quarter 1999.

[11] Agence France Presse, 17 January 2000.

[12] *La Tribune*, 14 February 2000.

[13] Agence France Presse, 7 February 2000.

[14] Ibid., 9 November 1999.

[15] Ibid. and *Le Figaro*, 17 January 2000.

[16] Information from Government of France.

[17] Bank of Hawaii, *New Caledonia Economic Report*, June 1999.

[18] Speech by Haut Commissaire before Congress of New Caledonia, 7 December 1999.

[19] See *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 23* (A/54/23), chap. II, annex.